

## DECLARATION AND POWER OF ATTORNEY

As a below-named inventor. I hereby declare that:

My residence, post office address, and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

POLYPHENOL OXIDASE GENES FROM LETTUCE, BANANA, TOBACCO AND PINEAPPLE

			(if applicabl	(e)
	and was amended			
	Application Serial No. 09/443,067			
	X was filed on November	er 18, 1999		as
	is attached hereto.	•		
the specification of (check one)	which:			. •

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

l acknowledge the duty to disclose to the U.S. Patent and Trademark Office all information known to me to be material to patentability as defined in Title 37. Code of Federal Regulations. Section 1.56.

I hereby claim foreign priority benefits under Title 35. United States Code. Section 119 (a)-(d) or Section 365(b) of any foreign application(s) for patent or inventor's certificate, or Section 365(a) of any PCT International Application which designated at least one country other than the United States, listed below. I have also identified below any foreign application for patent or inventor's certificate, or PCT International Application having a filing date before that of the earliest application from which priority is claimed:

Prior Foreign Ap	optication(s)	·	Pr	iority Claimed
<u>Number</u>	Country	Filing Date	<u>Yes</u>	<u>No</u>
PN3098	Australia	May 23, 1995	<u>x</u>	·
PN5600	Australia	September 26, 1995	Х	
P06849	Australia	May 19, 1997	X	
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Declaration	ana rower	Ol amornes

I hereby claim the benefit under Title 35. United States Code. Section 119(e) of any United States provisional application(s) listed below

Provisional Application No.	Filing Date	<u>Starus</u>
N/A		
· ·		·

I hereby claim the benefit under Title 35. United States Code. Section 120 of any United States Application(s), or Section 365(c) of any PCT International Application(s) designating the United States issted below. Insofar as this application discloses and claims subject matter in addition to that disclosed in any such prior Application in the manner provided by the first paragraph of Title 35. United States Code. Section 112. I acknowledge the duty to disclose to the United States Patent and Trademark Office all information known to me to be material to patentiability as defined in Title 37. Code of Federal Regulations. Section 1.56, which became available between the filing date(s) of such prior Application(s) and the national or PCT international filing date of this application:

Application Serial No.	<u>Filing Date</u>	<u>Status</u>
PCT/AU96/00310	May 22, 1996	Pending as of November 21, 1997
08/976,222	November 21, 1997	Pending
PCT/AU98/00362	May 19, 1998	Pending as of November 18, 1999
	·	

## And I hereby appoint

John P. White (Reg. No. 28,678); Christopher C. Dunham (Reg. No. 22,031); Norman H. Zivin (Reg. No. 25,385); Jay H. Maioli (Reg. No. 27,213); William E. Pelton (Reg. No. 25,702); Robert D. Katz (Reg. No. 30,141); Peter J. Phillips (Reg. No. 29,691); Wendy E. Miller (Reg. No. 35,615); Richard S. Milner (Reg. No. 33,970); Robert T. Maldonado (Reg. No. 38,232); Paul Teng (40,837); Gary J. Gershik (Reg. No. 39,992); Richard F. Jaworski (Reg. No. 33,515); Elizabeth M. Wieckowski (Reg. No. 42,226); and Pedro C. Fernandez (Reg. No. 41,741)

and each of them, all co Cooper & Dunham LLP, 1185 Avenue of the Americas, New York, New York 10036, my attorneys, each with full power of substitution and revocation, to prosecute this application, to make alterations and amenaments therein, to receive the patent, to transact all business in the Patent and Trademark Office connected therewith and to file any International Applications which are based thereon under the provisions of the Patent Cooperation Treaty.

Declaration and Power of Attorney Page 3 Please address all communications, and direct all telephone calls, regarding this application to: John P. White 28,678 Cooper & Dunnam LLP 1185 Avenue of the Americas New York. New York 10036 Tel. (212) 278-0400 I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment. or both, under Section 1001 of Title 18 of the United States Code and that such wiliful jaise statements may jeopardize the validity of the application or any patent issued thereon. Full name of sole or first joint inventor\_\_\_\_\_Simon Piers Robinson Inventor's signature\_ ---Citizenship Australia Date of signature > 20 DECEMBER 1999 Residence 28 Jervois Street, Hawthorn, South Australia 5062, AUSTRALIA Post Office Address same as residence address Full name of joint inventor (if any)\_\_\_ Inventor's signature\_\_\_ Citizenship \_\_\_\_\_ Date of signature \_\_\_\_ Residence\_\_\_ Posi Office Address\_\_\_\_ Full name of joint inventor (if any)\_\_\_ Inventor's signature\_\_\_\_

Citizenship \_\_\_\_\_ Date of signature Residence\_\_\_\_ Post Office Address\_\_\_\_\_